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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE CHANDRASHEKARAI AH

W.P.NO.19084/1998

BETWEEN:

H.K.Madaiah,  
s/o Karikundagowda,  
major, r/at Hosakere,  
Maddur taluk,  
Mandya district.

..PETITIONER

(By Sri M.S.Purushothama Rao, Adv.)

AND:

1. State of Karnataka by  
Secretary to Government,  
Department of Rural Develop-  
ment and Panchayath Raj,  
Karnataka Govt.Secretariat,  
Bangalore-1.
2. The Divisional Commissioner,  
Mysore Division,  
Mysore.
3. The Assistant Commissioner,  
Mandya Sub-division,  
Mandya.
4. The Secretary,  
Chamanahalli Gram  
Panchayath, Chamanahalli,  
Maddur taluk,  
Mandya district.

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5. Kullegowda,  
s/o Annegowda,  
since deceased by Lrs.

a. Gowramma,  
w/o H.R.Ramesh,

b. H.K.Yogesh - son

c. Ramakrishna - son

d. Nagamma

e. H.K.Annegowda - son

All are r/at Hosakere,  
Koppa hobli,  
Maddur taluk,  
Mandya district.

6. Smt.Devarajamma,  
w/o B.Shivanna,  
Bannikuppe,  
Ramanagar Tq.

7. Lingamma,  
d/o Dyavarassegowda,  
w/o Kachegowda,  
Uttula,  
Maddur tq. Mandya district.      ..RESPONDENTS

(By Sri K.Nagaraja, HCGP for R-1 to R-3)

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This writ petition is filed under Articles 226 and 227 of the constitution of India with a prayer to quash vide Annexure-B dt.30.10.94 by R-3 and etc.

This writ petition coming on for prly.  
hearing this day, the court made the following:-

ORDER

SSA ✓  
The Grama panchayath in the year ~~of~~ 1981 effected the katha in respect of some immovable property in favour of the petitioner. The said <sup>act</sup> ~~action~~ was challenged by the 5th respondent by way of an appeal before the Assistant Commissioner. The Assistant Commissioner set aside the resolution and remanded the matter to the grama panchayath with a direction to dispose of <sup>in matter after</sup> ~~frank~~ after notice to the parties. This order was challenged by the petitioner by way of a revision petition before the Divisional Commissioner. The Divisional Commissioner dismissed the petition with an observation that it is open for the parties to approach the grama panchayath for necessary entries as directed by the Assistant Commissioner. This order is under challenge in this writ petition.

2. Before going to examine the correctness or otherwise of the order of the Divisional Commissioner it is necessary to state a few facts. The 5th respondent had filed a

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suit in O.S.NO.136/90 in the court of Principal Civil Judge, Mandya for partition and possession. The said suit was dismissed by the Principal Civil judge, Mandya. As against that it appears the L.Rs. of the 5th respondent preferred an appeal in R.A.NO.44/95 before the District judge, Mandya and the said appeal is pending consideration. The District judge has not granted any interim order staying the decree that was passed by the Principal Civil judge. If that is the case it is open for the petitioner to move the grama panchayath to make necessary changes on the basis of the judgment and decree passed by the civil court.

The revenue entries are always subject to the decision rendered by the civil court. Therefore the petitioner may approach the grama panchayath for necessary changes in the revenue records so as to bring in conformity with the judgment and decree passed by the civil court irrespective of the order passed by the Assistant Commissioner and the Divisional Commissioner. In view of this,

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there is no reason to interfere in this writ petition. In the result, I pass the following order:

Writ petition is disposed of.



Sd/-  
JUDGE

SR